IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
FRIDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO
WRIT PETITION NO : 13806 of 1994

Between:
M. Aswarthappa S/o. Venkataramappa
R/o. Kodihalli village, hamelet of Kothapalli, Lepakshi Mandal (Revenue), Anantapur Dist.

.....
PETITIONER

AND

1. The Joint Collector, Anantapur.
2. The Revenue Divisional Officer, Penukonda, Anantapur Dist.
3. The Mandal Revenue Officer, Lepakshi Mandal, Anantapur Dist.
4. Smt. Venkatamma D/o. late Mala Thimmappa
R/o. Kothapalli village, Kodihalli Post. Lepakshi Mandal, Anantapur Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction in the nature of Writ of Certiorari and call for the records and quash the Order of the 4th respondent passed in D.Dis.No.(A.4) No.9181/93, dated.22--05--1994 as illegal, arbitary and contrary to law and consequently direct the respondent No.3 i.e., (Mandal Revenue Officer., Lepakshi Mandal., Anantapur District) to assign the said lands in favour of the Petitioner and to pass such any other just and necessary order or orders.

Counsel for the Petitioner: MR.A.V.SIVAIAH, ADVOCATE

Counsel for the Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for the Respondent No.4: Mr. O. Manohar Reddy, Advocate

The Court Made the Following :

ORDER

Heard both sides.

Against the impugned order in D.Dis.No.(A4) No.9181/93 dated 22.05.1994 passed by the Joint Collector, Anantapur ordering assignment of land in favour of the 4th respondent, an appeal lies to the appellate authority. The petitioner without exhausting the alternative remedy of appeal, approached this Court. However, the petitioner is at liberty to file an appeal before the appellate authority against the impugned order and the appellate authority shall consider and dispose of the same, after giving an opportunity to the petitioner.

It is needless to observe that the interim orders passed by this court earlier shall be in force till the disposal of the appeal filed by the petitioner.

Subject to the observation indicated above, the Writ Petition is dismissed. No costs.

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2nd July 2004

BJ/Glv

To

1 The Joint Collector, Anantapur.
2 The Revenue Divisional Officer, Penukonda, Anantapur Dist.
3 The Mandal Revenue Officer, Lepakshi Mandal, Anantapur Dist.
4. Two C.Cs to the Government Pleader for Revenue, High Court Buildings, Hyderabad.(O.U.T)
5. Two C.D copies